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RUEHSA/AMEMBASSY PRETORIA PRIORITY 1799  
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C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 001163

SIPDIS

STATE FOR WHA/EX AND WHA/CAR  
S/CRS  
INL FOR KEVIN BROWN AND ANGELIC YOUNG  
SOUTHCOM ALSO FOR POLAD  
STATE PASS AID FOR LAC/CAR  
INR/IAA  
WHA/EX PLEASE PASS USOAS  
DS/IP/WHA/OSAC

E.O. 12958: DECL: 08/13/2018  
TAGS: [PREL](#) [PGOV](#) [ASEC](#)  
SUBJECT: CHIEF PROSECUTOR RESIGNS

REF: PORT AU PRINCE 1069

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11. (C) SUMMARY: Claudy Gassant made a surprise announcement on August 12, publicly submitting his letter of resignation as Chief Prosecutor. Gassant, whose professional and personal behavior has become increasingly erratic and occasionally and violent over the past several weeks, made the announcement after a public row with the Petionville Police Commander whom Gassant allegedly assaulted in recent days. The details of the series of events that led to his resignation remain unclear, but media rejoiced at the news of his dramatic and sudden fall from grace. A master of bizarre, flip-flop behavior, as Chief Prosecutor, Gassant has often displayed the character of a responsible agent of the state, deadly focused on helping the President in his campaign against corruption. He has also served as a cooperative interlocutor with several Embassy officers, particularly in supporting the priorities of Consular and DEA employees. While Gassant has at opportune times demonstrated his ability to act as an effective Chief Prosecutor, his actions have revealed a dark, unpredictable side that is fueled by ego as much as by his sense of impunity as an appointee of the Executive. He was officially replaced in a ceremony by his Deputy on August 12. End summary.

HUMILIATES AIRPORT DG, ARRESTS THE BODY GUARD

12. (C) The first of a series of recent events that led to Gassant's sudden resignation began with the humiliating attempt to arrest Airport Director General Lionel Isaac in early July (reftel). Several weeks later at a music festival on July 27, after using his Chief Prosecutor title to gain entry into the VIP area without an appropriate badge, a heavily intoxicated Gassant began to verbally abuse the unarmed security guards, hired by Metro Security, an Overseas Security Advisory Council (OSAC) member company. Gassant began belligerently asking the guards if they were 'Mario's boys,' referring to Haitian National Police (HNP) Director General Mario Andresol. (Note: Claudy Gassant and Andresol have feuded publicly for months and Gassant has openly spoken of his 'hatred' for Andresol. The Ministry of Justice also employs Metro's guards in an official contract as Andresol's security detail. End note.) After the guards replied they were merely security guards for the evening's event, Gassant

began assaulting one of the body guards, then pulled out his gun and jammed it into the ribs of another. A news reporter on the scene captured his actions on camera and Gassant snatched the camera away, breaking it. He turned to two CIMO (HNP SWAT team) officers nearby and demanded they arrest Fahed Esper, the Chief Executive of Metro Security. When the officers refused, Gassant took Esper into custody himself and hauled him off to the National Penitentiary where he remained in custody for several days.

¶3. (C) An OSAC associate member (and Esper's nephew) called RSO on August 2 to report that Gassant was on the warpath, seeking to arrest anyone from Metro Security that he could find. He ordered illegal searches of the company's office as well as the home of two Haitian Americans with whom Esper lives. Esper, after being released from jail on August 02, told RSO that Gassant played 'mock execution' with him in the back of Gassant's office before sending him to jail. After attempting to hold Esper in jail for a number of charges, including possession of an illegal weapon and later being a 'terrorist,' Gassant was eventually compelled to release him.

#### PROTECTS THE PALACE SPOKESMAN

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¶4. (C) On the heels of the scuffle at the music festival, Gassant again displayed probable abuse of his authority in ordering the halt of a police investigation to protect his personal friend, Palace Spokesman Assad Volcy. A vehicle in upper Delmas was stopped on July 31 by the police under suspicion of transporting kidnappers. Several local residents had witnessed a vehicle driving away with a kidnapping victim the day before and reported a description of the car to the local police. When the vehicle was

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recognized and stopped in Delmas, witnesses saw two men flee from the car, one dropping his weapon in a bush. Gassant arrived at the scene as Petionville Police Commander Franz Georges and his officers tried to take custody of the vehicle. The HNP did not enter the vehicle but briefly secured it. Gassant ordered Georges to stop, refused to allow the HNP to seize the vehicle and called off the investigation. In a bizarre twist, it was revealed that the vehicle under suspicion belongs to Assad Volcy who arrived on the scene with Gassant. The two occupants were identified as Volcy's bodyguard and driver. Gassant and Volcy called them back to the scene and the men retrieved the gun from the bushes. The vehicle was removed from the scene by a local judge and driven to Gassant's office.

¶5. (C) Gassant claimed that Volcy was his friend and he would not allow any investigations to occur. Next, Gassant ordered the arrest of the Police Commander Georges, accusing him of kidnapping and associating with gang members and bandits. He also ordered him not to leave the country. Gassant then threatened to arrest the Canadian UN CIVPOL officer on the case if he too did not drop the investigation.

#### SLAPS THE POLICE COMMANDER

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¶6. (C) Georges, Gassant claims, was able to avoid arrest after Gassant ordered the warrant because the Commander had employed his own personal 'SWAT team' for protection. Media reports George and Gassant ran into each other on August at the Club Indigo resort near Saint Marc in the early morning hours of August 3. Georges was said to have extended his hand to Gassant in an attempt to mend fences, but Gassant slapped him across the face. Georges immediately hired a lawyer who announced legal action against Gassant, and a Saint Marc Magistrate ordered him to court for assault on August 7. Gassant responded publicly that he would not go to court to answer the charges against him and has continued over the last week to demand Georges' arrest. The media, engrossed with the public drama, described Gassant as out of control. Senate President Kely Bastien and other

parliamentarians called for the President to put an end to the public quarrels which they believe are weakening the judicial and law enforcement institutions. The National Network for the Defense of Human Rights (RNDDH) issued a statement denouncing Gassant's actions.

17. (C) On August 11, Gassant shocked the public when he announced his resignation as Chief Prosecutor after a meeting with the President, Minister of Justice Rene Magloire and DG Andresol. It is unclear whether the President himself asked Gassant to resign or if he did so on his own accord. (Note: Others report that Preval also suggested that Andresol also resign, but that he declined to do so. End note.) Gassant claimed after the meeting that he would not remain in his office and answer to Georges' court order. The Prosecutor's Office announced on August 12 that Gassant's former Deputy Judge Joseph Manes Louis would replace him. The judge was sworn in at the Palace of Justice just a few hours later by Magloire and thereafter taken to the parquet for a formal installation. Despite the brusque change in leadership, Magloire praised Gassant for helping to advance the office of the Chief Prosecutor as an institution. Gassant stated to the media after the ceremony that he resigned in part because he 'scared the untouchables' (elites) within Haitian society.

18. (C) Comment: According to anecdotal information from a variety of sources reporting to Emboffs, Gassant is described variously as mentally imbalanced, a mean drunk, a sexual predator and/or a megalomaniac. Gassant is a complicated man whose behavior has become increasingly arbitrary and has generated criticism of the President for having employed him for so long with seemingly unchecked authority. Though he was generally cooperative with the Embassy, he had become destructive to the judicial system, operating by use of force, fear and intimidation -- old tactics of previous governments for which most Haitians have little tolerance. It remains to be seen whether Manes Louis (who has already

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said Gassant will serve as his role model) will continue as an effective interlocutor with the Embassy and will make an earnest attempt to repair the judiciary's damaged relationship with the HNP.

TIGHE